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| 10/084,614 | 02/28/2002 | Scott Bierly | 0918.0153C | 1621 |
| 27896 | 7590 | 06/22/2006 | EXAMINER | |
| EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850 | | | LU, JIA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,614

Applicant(s)

BIERLY ET AL.

Examiner

Jia W. Lu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-30 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Regarding independent claim 1, applicant argues that "Boros does not disclose or suggest applying phases to the digital baseband signals to account for both beamsteering and the carrier phase of individual antenna elements". In dealing with antenna arrays, "beam forming" inherently includes the adjustments of carrier phases of antenna elements, therefore, Boros discloses both beamsteering and carrier phase rotation in his description of beam forming. While Boros does not specify performing carrier phase rotation for each individual antenna element, the language of the claim does not limit the carrier phases to being different for each individual antenna element. In the case that they are all identical to each other, Boros' invention reads on the claim.

Regarding independent claims 26 and 29, applicant argues that these claims require applying phases to the digital baseband signals in a serial stream to account for both carrier phase tracking and antenna element beamforming, where the digital baseband signals in the serial stream are associated with individual antenna elements. In addition to the response presented above, claims 26 and 29 do not clearly indicate that carrier phase tracking and antenna element beamforming are performed on individually on each received or transmitted signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024.
 - a. Regarding claims 1, 22-24, '024 shows a baseband modulator (column 13, lines 20-25), a baseband demodulator (figure 4, element 411), and a shared baseband processor (figure 1, elements 111, 117 and 123) which receives outbound and incoming signals, said processor applying phases to the signals to account for both beamforming and carrier phase rotations (column 13, lines 30-45). While the shared baseband processor used in this rejection is based on a grouping of receive and transmit processors, the system that '024 describes performs the same functions of adjusting the antenna array. It would have been obvious to one ordinarily skilled in the art to group the weight generators (figure 4, element 409, figure 1, elements 131 and 117) into a single circuit to call it a "shared" processor to reduce the size and complexity of the circuit.
 - b. Regarding claim 25, '024 describes the processor to adjust amplitude of the signals (column 12, lines 65-68).

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 as applied to claim 1 above, and further in view of US patent 5,583,562.
 - a. Regarding claim 2, although patent '024 does not show time-multiplexing of received data, the use of time-multiplexing in transceiver systems is well known for their ability to increase the throughput of a communications resource (for example, patent '562, fig 1). It would have been obvious for one ordinarily skilled in the art to use time-multiplexing in a system described in '024 in order to allow more users to use a single channel in a duplex system.
 - b. Regarding claim 3, while patent '024 does not show the modulator to provide a time-multiplexed data stream from an input of multiple data streams, patent '562 shows a modulator (fig 1, element 130) receiving data symbols from a plurality of user channels (fig 1, element 110) and provide a single time-multiplexed data stream (column 5, lines 30-40). The reason to combine time-multiplexing with a modulator is stated in part a above.
3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 and US patent 5,583,562 as applied to claim 3 above, and further in view of US patent 6,768,458. While patent '024 does not show a modulator generating a plurality of modulated data in the time-multiplexed stream corresponding to a plurality of antenna elements, patent '458 shows a modulator

(figure 5, elements 216 and 218) generating a plurality of modulated data symbols in the time-multiplexed stream, corresponding to a plurality of antenna elements (figure 5, element 250). It would have been obvious for one ordinarily skilled in the art for a modulating system described in patent '024 to time-multiplex a plurality of modulated data symbols corresponding to antenna elements in order to increase directional gain in transmission.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 as applied to claim 1 above, and further in view of US patent 6,831,943.

- a. Regarding claims 7-9, patent '024 does not describe the complex multiplication of signals in the processor relating to a plurality of user channels in a time-multiplexed manner. However, patent '943 teaches a transmission system where a processor unit (figure 10, elements 18 and 20) performs complex multiplication on signals on incoming signals that have been time-multiplexed (column 29, line 43), associated with a plurality of antennas (figure 1, elements A12). While the plurality of user channels is not shown, it is well known that a system using time-multiplexing takes signals from different users in order to multiplex them. It would have been obvious for one ordinarily skilled in the art to use complex multiplication in a system described in patent '024 for beamforming (column 7, lines 18-47) and power adjustments (column 15, lines 47-54) in order to improve power usage and reduce interference.

- b. Regarding claim 10, patent '024 does not disclose a beamformer configured to receive time-multiplexed baseband signals from shared baseband processor. Patent '943, however, shows a beamformer (figure 2, element 52) capable of receiving time-multiplexed (column 29, line 43) signals from a front-end processor. It would have been obvious for one ordinarily skilled in the art to use a beamformer in a transceiver system described in patent '024 when incoming signals require directional and rotational adjustments in order to acquire precise directional transmission to increase gain while using lower power.
- 5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 as applied to claim 1 above, and further in view of US patent 6,549,527. While patent '024 does not show the front-end specifics of its receiving circuitry, patent '527 shows a plurality of down-converters (column 2, lines 29-33) separately down-converting signals for each antenna element (figure 14, element 142). It also teaches the down-converting circuitry to include decimation means (figure 1, element 11) followed by multiplexing means (figure 1, element 12). It would have been obvious for one ordinarily skilled in the art to use decimation and multiplexing in the receiver end in order enable signal processing in an antenna array system without lowering system performance or increasing price, dimension or complexity of the hardware (column 3, line 48-line 59).

6. Claims 14-16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 as applied to claim 1 above, and further in view of US patent 5,809,422.
 - a. Regarding claims 14-16, while patent '024 does not show a demultiplexer and up-converters in transmission, patent '422 teaches the use of demultiplexers (figure 4, element 134) and IF up-converters (column 7, lines 33-40) in separate transmitting antenna elements (column 11, lines 56-60). Patent '422 also teaches interpolation in order to increase the sampling rate of the transmission signals (column 13, lines 39-40). It would have been obvious for one ordinarily skilled in the art to employ demultiplexing in an transmission end as described in patent '024 in order to separate time-multiplexed symbols for transmission and up convert baseband signals into a higher, intermediate frequency in order to enable signal transmission in a wireless medium.
 - b. Regarding claim 18, while patent '024 does not teach the use of TDMA, patent '422 teaches the use of TDMA (column 8, line 41) in its transceiver system. Because TDMA is a very common technique used in transmission, and it would have been obvious to one ordinarily skilled in the art to use TDMA to allow multiple users to share time slots within a single channel.
7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 as applied to claim 1 above, further in view of US patent

5,937,348. While patent '024 teaches the use of a duplexer between the transmitter and receiver portion of its transceiver, it does not specify the duplex to be time-division or the use of a switch. Patent '348 shows a duplex switch capable of using time division duplex (column 5, line 20). It would have been obvious to one ordinarily skilled in the art to use a switch in a time division duplex transceiver system described in patent '024 in order to provide better control over the system while allowing it to transmit and receive using a single front-end processor.

8. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,615,024 as applied to claim 1 above, further in view of US patent application 20020141478. While patent '024 does not show the use FDMA, FPGA or VLSI in its transceiver system, application '478 teaches all these elements (FDMA on paragraph 2, line 6, FPGA on paragraph 621, line 4, and ASIC on paragraph 621, line 5). It would have been obvious to one ordinarily skilled in the art to use FDMA to allow multiple users to share time slots, FPGA to increase flexibility in designs and programming, or ASIC to reduce power usage, save space and lower cost of production.
9. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,101,399, in view of US patent 5,631,898, further in view of US patent 6,072,994.
 - a. Regarding claims 26 and 28, while '399 shows a method of processing signals received via antenna arrays comprising downconverter producing

parallel signals (figure 3, element 54), and applying phases to the signals and performing beamforming (element 60), it does not show individual down-converting and A/D units, patents '898 and 643 show these features. Patent '898 shows separate IF down-converters (figure 12, element 1203), baseband down-converters (element 1207), A/D (element 1212), and a digital multiplexer (element 1213). It does not show the A/D to be down at IF, however, patent '994 shows this (column 31, lines 30-35). It would have been obvious to one ordinarily skilled in the art to perform A/D at IF in the circuit in '898 to allow many benefits such as easier digital programming, replacement of bulky circuitry, and better tuning; It would also have been obvious to one ordinarily skilled in the art to use the individual antenna processing elements of '898 in the system described in '399 to have more maneuverable controls of individual antenna elements.

- b. Regarding claim 27, '399 describes the decimation of signals after digitizing and downconverting to baseband and prior to beamforming.
- c. Claims 29 and 30 describe the limitations in claim 26 at its transmitting end. It would have been obvious to one ordinarily skilled in the art to reverse, step-by-step, the limitations of claim 26 in a receiver end to achieve transmission.

Allowable Subject Matter

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jia W. Lu whose telephone number is 571-272-6042. The examiner can normally be reached on Mon- Fri, 10:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571)272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jia Lu
Examiner


CHIEH M. FAN
SUPERVISORY PATENT EXAMINER